

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION
No. 5:19-CV-00430-BO

U.S. Tobacco Cooperative, Inc.,

Plaintiff,

v.

**Certain Underwriters at Lloyd's
Subscribing to Policy Numbers
B1353DC1703690000 and
B1353DC1602041000,**

Defendants.

Order

The court will hold a hearing on May 3, 2021, at 1:30 p.m. at the Terry Sanford Federal Building and Courthouse in Raleigh, North Carolina. At the hearing, the court will consider whether to require Defendant Insurers, their counsel, or both to pay the fees and costs Plaintiff U.S. Tobacco Cooperative incurred in connection with its Second Motion to Compel.

The court will also consider whether it should impose sanctions against the Insurers, their counsel, or both for their conduct. Sanctions may arise out of Rule 26, Rule 37, or the court's inherent authority to sanction parties and attorneys.

Finally, the court will consider whether counsel's conduct complied with the North Carolina Rules of Professional Conduct, which govern attorney practice in this court, and, if not, the appropriate remedy. The court's inquiry will focus on Rule 3.2 Expediting Litigation, Rule 3.3 Candor Toward the Tribunal, Rule 3.4 Fairness to Opposing Party and Counsel.

Each attorney who has appeared on behalf of the Insurers (both local counsel and out-of-state counsel), signed a discovery response on the Insurers' behalf, or drafted correspondence on the Insurers' behalf that the court referenced in the order granting the Second Motion to Compel

must appear in person. Additionally, a representative for each Insurer must attend the hearing in person. USTC must have at least one attorney present at the hearing. Other counsel for USTC may attend by telephone or video if desired. If a person who must attend the hearing in person is barred from the courthouse because of the court's COVID-19 protocols, that person must promptly alert the Clerk of Court.

Failure to appear at the hearing may result in the initiation of contempt proceedings or referral to this court's attorney disciplinary process.

Dated: April 12, 2021

A handwritten signature in black ink, reading "Robert T. Numbers, II". The signature is written in a cursive, flowing style. Below the signature is a horizontal line.

Robert T. Numbers, II
United States Magistrate Judge